

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Bridgeview Aerosol, LLC,

Plaintiff,

v.

Civil No. 09-1817 (JNE/SRN)
ORDER

Black Flag Brands, LLC,

Defendant.

On September 18, 2009, the Court granted Plaintiff's Motion to Confirm Arbitration Award and entered judgment in favor of Plaintiff in the amount of \$1,559,592.30 plus interest of five percent per annum from August 10, 2008. Defendant filed a notice of appeal on October 1, 2009. The next day, Defendant moved pursuant to Federal Rule of Civil Procedure 62(d) to stay execution of the judgment pending appeal. "An appellant may request and obtain a stay of judgment pending appeal as a matter of right upon posting a supersedeas bond." *New Access Commc'ns LLC v. Qwest Corp.*, 378 F. Supp. 2d 1135, 1138 (D. Minn. 2005) (citing *Am. Mfrs. Mut. Ins. Co. v. Am. Broad.-Paramount Theatres, Inc.*, 87 S. Ct. 1, 3 (1966); Fed. R. Civ. P. 62(d)). Defendant obtained a supersedeas bond in the amount of \$1,700,000.00. Plaintiff has not opposed Defendant's motion nor has it challenged the amount of the supersedeas bond.

Accordingly, IT IS ORDERED THAT:

1. Defendant's Motion to Stay Execution of Judgment and for Approval of Supersedeas Bond [Docket No. 48] is GRANTED.
2. The judgment entered September 18, 2009, is stayed pending resolution of Defendant's appeal.

Dated: October 15, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge